

EXHIBIT C



Lena Andrews <lena.andrews@bncllaw.com>

RE: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al (PC) Request to Meet and Confer re Modification of the Scheduling Order

2 messages

Bakken, Tori <Tori.Bakken@lewisbrisbois.com>

Thu, May 9, 2024 at 8:15 AM

To: Lena Andrews <lena.andrews@bncllaw.com>

Cc: "Sain, Tony" <Tony.Sain@lewisbrisbois.com>, "McLaughlin, Abigail" <Abigail.McLaughlin@lewisbrisbois.com>, Gregg Audet <gaudet@anaheim.net>, Irvin Aguirre <irvin.aguirre@bncllaw.com>, Julia Quesada <julia.quesada@bncllaw.com>, DeWitt Lacy <dewitt@bncllaw.com>, "Medina, Christina" <Christina.Medina@lewisbrisbois.com>, "Arabyan, Lilit" <Lilit.Arabyan@lewisbrisbois.com>

Good Morning Ms. Andrews,

As previously stated, we are not authorized to agree to any continuance of dates at this time. It is our hope that the parties will engage in a good faith mediation on 5/14 as scheduled, and that any further scheduling modification will not be needed if the parties can reach a resolution as to the remaining claims in this matter.

If the parties are unable to reach an agreement at Tuesday's mediation, we can then discuss a potential stipulation to modify the case management schedule.

Thank you,

Tori



Tori L. N. Bakken
Attorney
Tori.Bakken@lewisbrisbois.com

T: 213.680.5172 F: 213.250.7900

633 W. 5th Street, Suite 4000, Los Angeles, CA 90071 | [LewisBrisbois.com](https://www.LewisBrisbois.com)

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From: Lena Andrews lena.andrews@bncllaw.com

Sent: Wednesday, May 8, 2024 1:08 PM

To: Sain, Tony Tony.Sain@lewisbrisbois.com; Bakken, Tori Tori.Bakken@lewisbrisbois.com; McLaughlin, Abigail Abigail.McLaughlin@lewisbrisbois.com; Gregg Audet GAudet@anaheim.net; Fox (LA), Dana Dana.Fox@lewisbrisbois.com; Medina, Christina Christina.Medina@lewisbrisbois.com

Cc: Julia Quesada julia.quesada@bncllaw.com; Irvin Aguirre irvin.aguirre@bncllaw.com; DeWitt Lacy dewitt@bncllaw.com

Subject: [EXT] Lopez v City of Anaheim: Request to M&C re Amended Modification of Scheduling Order

Good afternoon:

Per the Court's Order on Plaintiffs' Ex Parte to Continue [Dkt. 119], the Court stated they would consider a modification of scheduling order as long as the FPTC and trial date remains in place.

I am thus writing to meet and confer regarding a modified stipulation where all dates, other than the pretrial filings, FPTC, and trial, would be extended by approximately one month to allow the parties to negotiate in good faith on May 14, 2024, and preserve the parties ability to conduct additional discovery should the mediation prove unsuccessful.

The suggested modification would be as follows:

Case Event	Current Deadline [Dkt 110]	Proposed Deadline
Jury Trial	September 17, 2024, at 8:30 am	no change.
File Findings of Fact and Conclusions of Law	September 10, 2024	no change.
Final Pre-Trial Conference	September 9, 2024, at 11:00 am	no change.
File Pre-Trial Documents	August 26, 2024	no change.
File Motions in Limine	August 5, 2024	August 19, 2024
Fact Discovery Cut-off	May 10, 2024	June 7, 2024
Expert Discovery Cut-off	June 14, 2024	July 12, 2024
Initial Disclosure of Experts	May 17, 2024	June 14, 2024
Rebuttal Disclosure of Experts	May 31, 2024	June 28, 2024
Law and Motion Cut-off	July 15, 2024, at 1: 30 pm	August 12, 2024, at 1:30 pm
Motions to be filed and served	June 17, 2024	July 15, 2024

If we cannot reach a stipulation, Plaintiffs will be filing an amended ex parte in accordance with the above. Your anticipated professional courtesy is appreciated.

Please advise.

Regards,

Lena P. Andrews

Attorney

Burris, Nisenbaum, Curry and Lacy LLP
 9701 Wilshire Blvd., Suite 1000
 Beverly Hills, CA 90212
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 Facsimile: (510) 839-3882
 Website: www.johnburrislaw.com

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From: Bakken, Tori <Tori.Bakken@lewisbrisbois.com>
Sent: Monday, May 6, 2024 11:43 AM
To: Lena Andrews <lena.andrews@bncllaw.com>
Cc: Sain, Tony <Tony.Sain@lewisbrisbois.com>; McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Gregg Audet <gaudet@anaheim.net>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>; Medina, Christina <Christina.Medina@lewisbrisbois.com>
Subject: RE: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

Good Afternoon Ms. Andrews,

Unfortunately, when we advised of the June dates, that was based solely on defense counsels' availability: knowing that such would be limited, we tried to get you that as soon as possible. However, upon speaking with our clients, we were informed that we do not have authorization to agree to any continuance in this matter at this time. As you are aware, defendants have been seeking to get the mediation on calendar for quite some time now, as we never received a counter demand to our last offer and your office cancelled the last scheduled mediation with very short notice. As such, ensuring that this mediation occurs is our top priority, and there is concern with agreeing to a continuance at this time, that your office will again fail to show up to the agreed upon mediation.

We are happy to re-visit the discussion again after the 14th, but understand if you feel the need to bring an ex parte motion prior to then.

Thanks,

Tori



Tori L. N. Bakken
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From: Lena Andrews <lena.andrews@bncllaw.com>
Sent: Monday, May 6, 2024 11:13 AM
To: Bakken, Tori <Tori.Bakken@lewisbrisbois.com>
Cc: Sain, Tony <Tony.Sain@lewisbrisbois.com>; McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Gregg Audet <gaudet@anaheim.net>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>; Medina, Christina <Christina.Medina@lewisbrisbois.com>
Subject: Re: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

Ms. Bakken:

This is unacceptable and clearly a bad faith attempt to stymie Plaintiffs.

We have been discussing this stipulation for almost two weeks. First you indicated that you would only agree to a stipulation if we agreed to move the trial date to June as the trial date set by the Court conflicts with a previously scheduled trial. We agreed in good faith.

Then you indicated that you would agree to the stipulation if we got the mediation back on calendar and confirmed. We agreed and worked diligently to make sure it was back on calendar as soon as possible. Then, after we had agreed in good faith to each of your demands, you now inform us that Defendants are only willing to stipulate to a scheduling change after the mediation has occurred on May 14, 2024, which is after the close of discovery and only three days prior to the expert disclosure deadline. This is pure gamesmanship and not well taken.

If you cannot agree to the stipulation, Plaintiffs will be moving ex parte to modify the scheduling order.

Please advise as to your position.

Regards,

Lena P. Andrews

Attorney

Burris, Nisenbaum, Curry and Lacy LLP

9701 Wilshire Blvd., Suite 1000

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On Mon, May 6, 2024 at 10:59 AM Bakken, Tori <Tori.Bakken@lewisbrisbois.com> wrote:

Good Morning Lena,

As I advised in my 5/2 email, we are not authorized to agree to any continuance in this matter at this time. After the mediation concludes, we are open to re-discussing if necessary.

Thank you,

Tori



Tori L. N. Bakken
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From: Lena Andrews <lena.andrews@bncllaw.com>

Sent: Monday, May 6, 2024 10:40 AM

To: Bakken, Tori <Tori.Bakken@lewisbrisbois.com>

Cc: Sain, Tony <Tony.Sain@lewisbrisbois.com>; McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Gregg Audet <gaudet@anaheim.net>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy

<dewitt@bnclaw.com>; Medina, Christina <Christina.Medina@lewisbrisboistoon.com>
Subject: Re: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

I am again following up on the stipulation. Per your request, the mediation for May 14 has been confirmed.

An updated draft of the stipulation is attached. Please advise of your revisions by close of business today so that we can timely file the stipulation prior to the current discovery cut-off.

Regards,

Lena P. Andrews

Attorney

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On Wed, May 1, 2024 at 12:15 PM Lena Andrews <lena.andrews@bnclaw.com> wrote:

Good morning:

I am following up on the trial date and a date for the rescheduled mediation. Please advise.

Regards,

Lena P. Andrews

Attorney

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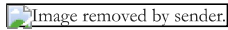
On Tue, Apr 30, 2024 at 3:56 PM Lena Andrews <lena.andrews@bncllaw.com> wrote:

May 15 will not work and May 17 is not ideal. Do you have any other availability in late May?

Regards,

Lena P. Andrews

Attorney



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On Tue, Apr 30, 2024 at 1:13 PM Bakken, Tori <Tori.Bakken@lewisbrisbois.com> wrote:

We can do May 15 or May 17, but the 15th is preferable.



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From: Lena Andrews <lena.andrews@bncllaw.com>

Sent: Tuesday, April 30, 2024 12:28 PM

To: Bakken, Tori <Tori.Bakken@lewisbrisbois.com>

Cc: Sain, Tony <Tony.Sain@lewisbrisbois.com>; McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Gregg Audet <gaudet@anaheim.net>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>; Medina, Christina <Christina.Medina@lewisbrisbois.com>

Subject: Re: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

In addition, Judge Biderman has requested that we send him some requested dates for the mediation that are at least 2 weeks out. Could you please provide some dates that work for you?

Regards,

Lena P. Andrews

Attorney

[Redacted]

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On Apr 30, 2024, at 11:47 AM, Lena Andrews <lena.andrews@bnclaw.com> wrote:

Counsel:

We can agree to a June 2025 trial date. You had stated you were available June 19-27; however June 19 is a Thursday so that will not work as a start date.

Can you be available to start on June 24?

Regards,

Lena P. Andrews

Attorney

[Image removed by sender]

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On Tue, Apr 30, 2024 at 11:27 AM Lena Andrews <lena.andrews@bnclaw.com> wrote:

Please hold the June dates. I will confirm with my clients and we should be able to get this stipulation finalized by tomorrow.

I have also reached out to Judge Biderman for his availability so that we can reschedule the mediation.

Regards,

Lena P. Andrews

Attorney

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On Fri, Apr 26, 2024 at 3:40 PM Bakken, Tori <Tori.Bakken@lewisbrisbois.com> wrote:

Good Afternoon Lena,

If we are going to continue the trial date in this matter, based on defense counsel availability, we would need to push it out to June 19-June 27 of next year. Unfortunately, that is the soonest option we have available, but if that does not work, we can offer additional options after that date. Please let us know as soon as possible, as we cannot guarantee this option will remain available.

As to the mediator, yes we would like to still use Judge Biderman.

Thanks,

Tori

<Logo_e6253148-26a1-47a9-b861-6ac0ff0bc3c4.png>

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From: Lena Andrews <lena.andrews@bncllaw.com>
Sent: Friday, April 26, 2024 1:07 PM
To: Sain, Tony <Tony.Sain@lewisbrisbois.com>
Cc: McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Gregg Audet <gaudet@anaheim.net>; Bakken, Tori <Tori.Bakken@lewisbrisbois.com>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>; Medina, Christina <Christina.Medina@lewisbrisbois.com>
Subject: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

As stated in my previous email, we are happy to consider alternative dates.

Re the mediation: Are you still amenable to Judge Biderman? If so, I will inquire as to his upcoming availability.

Regards,

Lena P. Andrews

Attorney

<~WRD0000.jpg>

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On Fri, Apr 26, 2024 at 11:56 AM Sain, Tony <Tony.Sain@lewisbrisbois.com> wrote:

Dear Counsel:

The current stipulation does not work for defendants. Ms. McLaughlin is trying to find a defense-workable alternative. However, as she previously advised, that requires a lot of scheduling coordination, since you also want to move the trial date.

Additionally, defendants cannot agree to any continuances unless and until the mediation has been rescheduled.

Ms. McLaughlin will get back to you as soon as feasible. Thanks!

Respectfully,

Tony M. Sain, Esq., Partner Of

LEWIS, BRISBOIS, BISGAARD & SMITH LLP

633 West 5th Street, Suite 4000

Los Angeles, CA 90071

213.250.1800 (main)

Tony.Sain@lewisbrisbois.com

<https://lewisbrisbois.com/attorneys/sain-tony-m>

From: Lena Andrews <lena.andrews@bncllaw.com>

Sent: Friday, April 26, 2024 11:20 AM

To: McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>

Cc: Gregg Audet <gaudet@anaheim.net>; Bakken, Tori <Tori.Bakken@lewisbrisbois.com>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Sain, Tony <Tony.Sain@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>

Subject: Re: [EXT] Re: Lopez et al v City of Anaheim et al (PC) Request to Meet and Confer re Modification of the Scheduling Order

Good morning:

I am following up on Defendants' position on the stipulation. Please advise.

Regards,

Lena P. Andrews

Attorney

<~WRD0000.jpg>

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On Tue, Apr 23, 2024 at 8:13 PM Lena Andrews <lena.andrews@bncllaw.com> wrote:

Ms. McLaughlin:

A draft stipulation is attached. The dates reflect a 60 day continuance. If the proposed trial date does not work for your office, please suggest alternative dates and we would be happy to consider them.

Please use track changes for any suggested revisions.

Regards,

Lena P. Andrews

Attorney



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On Mon, Apr 22, 2024 at 11:58 AM McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com> wrote:

Ms. Andrews:

As you know, counsel on this matter are also currently engaged in trial on the Nunis matter. We are discussing the continuance and will get back to you as soon as we can, given the May 10, 2024 fact discovery cut-off. It may be easier to assess if you could circulate a stipulation with proposed dates – that way we are able to see if such comports with our trial schedule in other matters.

Thank you,

Abigail

<image001.png>

Abigail J. R. McLaughlin (She/Her/Hers)
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<image002.png>

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From: Lena Andrews <lena.andrews@bncllaw.com>
Sent: Monday, April 22, 2024 11:53 AM
To: Gregg Audet <gaudet@anaheim.net>; Bakken, Tori <Tori.Bakken@lewisbrisbois.com>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Sain, Tony <Tony.Sain@lewisbrisbois.com>
Cc: Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>
Subject: [EXT] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

Counsel:

I am following up on my email from Thursday. Please advise as to your position on a stipulation to continue.

Regards,

Lena P. Andrews

Attorney

<~WRD0000.jpg>

Burris, Nisenbaum, Curry and Lacy LLP

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Telephone: (310) 601-7070

Facsimile: (510) 839-3882

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On Apr 18, 2024, at 12:04 PM, Lena Andrews <lena.andrews@bnclaw.com> wrote:

Counsel:

I am writing to request that we meet and confer regarding a stipulation to modify the scheduling order in the *Lopez* matter.

As you well know, the Nunis trial is currently ongoing and will last until at least the beginning of May with jury deliberations. Currently, the fact discovery cutoff for Lopez is May 10, 2024. As you know, we previously had a mediation scheduled but due to obligations with her employer, Plaintiffs were not able to attend. Plaintiffs remain interested in engaging in additional settlement discussions and I believe it would be prudent to extend all deadlines in this matter to allow for additional time for those settlement discussions prior to the parties expending additional costs on the case in taking more depositions and hiring experts.

Furthermore, the current trial date in this case (September 17, 2024), ordered by the Court in response to Defendants' Motion to Continue, conflicts with a trial in another matter that was set prior to the Court's order in this matter. That trial is very likely to move forward, necessitating a continuance of this trial.

We would request a sixty day continuance of all deadlines to allow time for the parties to find a mutually convenient date for a mediation and to address the conflict with the trial date. Please advise if you are willing to stipulate to a continuance and I will prepare a stipulation.

Thank you in advance for your anticipated professional courtesies.

Regards,

Lena P. Andrews

Attorney

<~WRD0000.jpg>

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Lena Andrews <lena.andrews@bncllaw.com>

Thu, May 9, 2024 at 10:57 AM

To: "Bakken, Tori" <Tori.Bakken@lewisbrisbois.com>

Cc: "Sain, Tony" <Tony.Sain@lewisbrisbois.com>, "McLaughlin, Abigail" <Abigail.McLaughlin@lewisbrisbois.com>, Gregg Audet <gaudet@anaheim.net>, Irvin Aguirre <irvin.aguirre@bncllaw.com>, Julia Quesada <julia.quesada@bncllaw.com>, DeWitt Lacy <dewitt@bncllaw.com>, "Medina, Christina" <Christina.Medina@lewisbrisbois.com>, "Arabyan, Lilit" <Lilit.Arabyan@lewisbrisbois.com>

Very well. Plaintiffs will be filing the amended ex parte today. I will indicate in the moving papers that you oppose the ex parte.

Regards,

Lena P. Andrews

Attorney



Burris, Nisenbaum, Curry and Lacy LLP

9701 Wilshire Blvd., Suite 1000

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On Thu, May 9, 2024 at 8:15 AM Bakken, Tori <Tori.Bakken@lewisbrisbois.com> wrote:

Good Morning Ms. Andrews,

As previously stated, we are not authorized to agree to any continuance of dates at this time. It is our hope that the parties will engage in a good faith mediation on 5/14 as scheduled, and that any further scheduling modification will not be needed if the parties can reach a resolution as to the remaining claims in this matter.

If the parties are unable to reach an agreement at Tuesday's mediation, we can then discuss a potential stipulation to modify the case management schedule.

Thank you,
Tori



Tori L. N. Bakken
Attorney
Tori.Bakken@lewisbrisbois.com
T: 213.680.5172 F: 213.250.7900

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From: Lena Andrews lena.andrews@bncllaw.com
Sent: Wednesday, May 8, 2024 1:08 PM
To: Sain, Tony Tony.Sain@lewisbrisbois.com; Bakken, Tori Tori.Bakken@lewisbrisbois.com; McLaughlin, Abigail Abigail.McLaughlin@lewisbrisbois.com; Gregg Audet GAudet@anaheim.net; Fox (LA), Dana Dana.Fox@lewisbrisbois.com; Medina, Christina Christina.Medina@lewisbrisbois.com
Cc: Julia Quesada julia.quesada@bncllaw.com; Irvin Aguirre irvin.aguirre@bncllaw.com; DeWitt Lacy dewitt@bncllaw.com
Subject: [EXT] Lopez v City of Anaheim: Request to M&C re Amended Modification of Scheduling Order

Good afternoon:

Per the Court's Order on Plaintiffs' Ex Parte to Continue [Dkt. 119], the Court stated they would consider a modification of scheduling order as long as the FPTC and trial date remains in place.

I am thus writing to meet and confer regarding a modified stipulation where all dates, other than the pretrial filings, FPTC, and trial, would be extended by approximately one month to allow the parties to negotiate in good faith on May 14, 2024, and preserve the parties ability to conduct additional discovery should the mediation prove unsuccessful.

The suggested modification would be as follows:

Case Event	Current Deadline [Dkt 110]	Proposed Deadline
Jury Trial	September 17, 2024, at 8:30 am	no change.
File Findings of Fact and Conclusions of Law	September 10, 2024	no change.
Final Pre-Trial Conference	September 9, 2024, at 11:00 am	no change.

File Pre-Trial Documents	August 26, 2024	no change.
File Motions in Limine	August 5, 2024	August 19, 2024
Fact Discovery Cut-off	May 10, 2024	June 7, 2024
Expert Discovery Cut-off	June 14, 2024	July 12, 2024
Initial Disclosure of Experts	May 17, 2024	June 14, 2024
Rebuttal Disclosure of Experts	May 31, 2024	June 28, 2024
Law and Motion Cut-off	July 15, 2024, at 1:30 pm	August 12, 2024, at 1:30 pm
Motions to be filed and served	June 17, 2024	July 15, 2024

If we cannot reach a stipulation, Plaintiffs will be filing an amended ex parte in accordance with the above. Your anticipated professional courtesy is appreciated.

Please advise.

Regards,

Lena P. Andrews

Attorney

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9701 Wilshire Blvd., Suite 1000

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From: Bakken, Tori <Tori.Bakken@lewisbrisbois.com>
Sent: Monday, May 6, 2024 11:43 AM
To: Lena Andrews <lena.andrews@bncllaw.com>
Cc: Sain, Tony <Tony.Sain@lewisbrisbois.com>; McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Gregg Audet <gaudet@anaheim.net>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>; Medina, Christina <Christina.Medina@lewisbrisbois.com>
Subject: RE: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

Good Afternoon Ms. Andrews,

Unfortunately, when we advised of the June dates, that was based solely on defense counsels' availability: knowing that such would be limited, we tried to get you that as soon as possible. However, upon speaking with our clients, we were informed that we do not have authorization to agree to any continuance in this matter at this time. As you are aware, defendants have been seeking to get the mediation on calendar for quite some time now, as we never received a counter demand to our last

offer and your office cancelled the last scheduled mediation with very short notice. As such, ensuring that this mediation occurs is our top priority, and there is concern with agreeing to a continuance at this time, that your office will again fail to show up to the agreed upon mediation.

We are happy to re-visit the discussion again after the 14th, but understand if you feel the need to bring an ex parte motion prior to then.

Thanks,

Tori



Tori L. N. Bakken
Attorney
Tori.Bakken@lewisbrisbois.com
T: 213.680.5172 F: 213.250.7900

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From: Lena Andrews <lena.andrews@bnclaw.com>
Sent: Monday, May 6, 2024 11:13 AM
To: Bakken, Tori <Tori.Bakken@lewisbrisbois.com>
Cc: Sain, Tony <Tony.Sain@lewisbrisbois.com>; McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Gregg Audet <gaudet@anaheim.net>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bnclaw.com>; Julia Quesada <julia.quesada@bnclaw.com>; DeWitt Lacy <dewitt@bnclaw.com>; Medina, Christina <Christina.Medina@lewisbrisbois.com>
Subject: Re: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

Ms. Bakken:

This is unacceptable and clearly a bad faith attempt to stymy Plaintiffs.

We have been discussing this stipulation for almost two weeks. First you indicated that you would only agree to a stipulation if we agreed to move the trial date to June as the trial date set by the Court conflicts with a previously scheduled trial. We agreed in good faith.

Then you indicated that you would agree to the stipulation if we got the mediation back on calendar and confirmed. We agreed and worked diligently to make sure it was back on calendar as soon as possible. Then, after we had agreed in good faith to each of your demands, you now inform us that Defendants are only willing to stipulate to a scheduling change after the mediation has occurred on May 14, 2024, which is after the close of discovery and only three days prior to the expert disclosure deadline. This is pure gamesmanship and not well taken.

If you cannot agree to the stipulation, Plaintiffs will be moving ex parte to modify the scheduling order.

Please advise as to your position.

Regards,

Lena P. Andrews

Attorney

Burris, Nisenbaum, Curry and Lacy LLP

9701 Wilshire Blvd., Suite 1000

Beverly Hills, CA 90212

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On Mon, May 6, 2024 at 10:59 AM Bakken, Tori <Tori.Bakken@lewisbrisbois.com> wrote:

Good Morning Lena,

As I advised in my 5/2 email, we are not authorized to agree to any continuance in this matter at this time. After the mediation concludes, we are open to re-discussing if necessary.

Thank you,

Tori



Tori L. N. Bakken
Attorney
Tori.Bakken@lewisbrisbois.com

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From: Lena Andrews <lena.andrews@bncllaw.com>

Sent: Monday, May 6, 2024 10:40 AM

To: Bakken, Tori <Tori.Bakken@lewisbrisbois.com>

Cc: Sain, Tony <Tony.Sain@lewisbrisbois.com>; McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Gregg Audet <gaudet@anaheim.net>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>; Medina, Christina <Christina.Medina@lewisbrisbois.com>

Subject: Re: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

I am again following up on the stipulation. Per your request, the mediation for May 14 has been confirmed.

An updated draft of the stipulation is attached. Please advise of your revisions by close of business today so that we can timely file the stipulation prior to the current discovery cut-off.

Regards,

Lena P. Andrews

Attorney

[Redacted]

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On Wed, May 1, 2024 at 12:15 PM Lena Andrews <lena.andrews@bnclaw.com> wrote:

Good morning:

I am following up on the trial date and a date for the rescheduled mediation. Please advise.

Regards,

Lena P. Andrews

Attorney

[Redacted]

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On Tue, Apr 30, 2024 at 3:56 PM Lena Andrews <lena.andrews@bnclaw.com> wrote:

May 15 will not work and May 17 is not ideal. Do you have any other availability in late May?

Regards,

Lena P. Andrews

Attorney

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9701 Wilshire Blvd., Suite 1000

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On Tue, Apr 30, 2024 at 1:13 PM Bakken, Tori <Tori.Bakken@lewisbrisbois.com> wrote:

We can do May 15 or May 17, but the 15th is preferable.



Tori L. N. Bakken
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Tori.Bakken@lewisbrisbois.com
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From: Lena Andrews <lena.andrews@bncllaw.com>

Sent: Tuesday, April 30, 2024 12:28 PM

To: Bakken, Tori <Tori.Bakken@lewisbrisbois.com>

Cc: Sain, Tony <Tony.Sain@lewisbrisbois.com>; McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Gregg Audet <gaudet@anaheim.net>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>; Medina, Christina <Christina.Medina@lewisbrisbois.com>

Subject: Re: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

In addition, Judge Biderman has requested that we send him some requested dates for the mediation that are at least 2 weeks out. Could you please provide some dates that work for you?

Regards,

Lena P. Andrews

Attorney

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On Apr 30, 2024, at 11:47 AM, Lena Andrews <lena.andrews@bnclaw.com> wrote:

Counsel:

We can agree to a June 2025 trial date. You had stated you were available June 19-27; however June 19 is a Thursday so that will not work as a start date.

Can you be available to start on June 24?

Regards,

Lena P. Andrews

Attorney

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On Tue, Apr 30, 2024 at 11:27 AM Lena Andrews <lena.andrews@bnclaw.com> wrote:

Please hold the June dates. I will confirm with my clients and we should be able to get this stipulation finalized by tomorrow.

I have also reached out to Judge Biderman for his availability so that we can reschedule the mediation.

Regards,

Lena P. Andrews

Attorney

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On Fri, Apr 26, 2024 at 3:40 PM Bakken, Tori <Tori.Bakken@lewisbrisbois.com> wrote:

Good Afternoon Lena,

If we are going to continue the trial date in this matter, based on defense counsel availability, we would need to push it out to June 19-June 27 of next year. Unfortunately, that is the soonest option we have available, but if that does not work, we can offer additional options after that date. Please let us know as soon as possible, as we cannot guarantee this option will remain available.

As to the mediator, yes we would like to still use Judge Biderman.

Thanks,

Tori

<Logo_e6253148-26a1-47a9-b861-6ac0ff0bc3c4.png>

Tori L. N. Bakken
Attorney
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From: Lena Andrews <lena.andrews@bncllaw.com>

Sent: Friday, April 26, 2024 1:07 PM

To: Sain, Tony <Tony.Sain@lewisbrisbois.com>

Cc: McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Gregg Audet <gaudet@anaheim.net>; Bakken, Tori <Tori.Bakken@lewisbrisbois.com>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>; Medina, Christina <Christina.Medina@lewisbrisbois.com>

Subject: [EXT] Re: [PC] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

As stated in my previous email, we are happy to consider alternative dates.

Re the mediation: Are you still amenable to Judge Biderman? If so, I will inquire as to his upcoming availability.

Regards,

Lena P. Andrews

Attorney

<~WRD0000.jpg>

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On Fri, Apr 26, 2024 at 11:56 AM Sain, Tony <Tony.Sain@lewisbrisbois.com> wrote:

Dear Counsel:

The current stipulation does not work for defendants. Ms. McLaughlin is trying to find a defense-workable alternative. However, as she previously advised, that requires a lot of scheduling coordination, since you also want to move the trial date.

Additionally, defendants cannot agree to any continuances unless and until the mediation has been rescheduled.

Ms. McLaughlin will get back to you as soon as feasible. Thanks!

Respectfully,

Tony M. Sain, Esq., Partner Of

LEWIS, BRISBOIS, BISGAARD & SMITH LLP

633 West 5th Street, Suite 4000

Los Angeles, CA 90071

213.250.1800 (main)

Tony.Sain@lewisbrisbois.com

<https://lewisbrisbois.com/attorneys/sain-tony-m>

From: Lena Andrews <lena.andrews@bncllaw.com>
Sent: Friday, April 26, 2024 11:20 AM
To: McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>
Cc: Gregg Audet <gaudet@anaheim.net>; Bakken, Tori <Tori.Bakken@lewisbrisbois.com>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; Sain, Tony <Tony.Sain@lewisbrisbois.com>; Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>
Subject: Re: [EXT] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

Good morning:

I am following up on Defendants' position on the stipulation. Please advise.

Regards,

Lena P. Andrews

Attorney

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On Tue, Apr 23, 2024 at 8:13 PM Lena Andrews <lena.andrews@bncllaw.com> wrote:

Ms. McLaughlin:

A draft stipulation is attached. The dates reflect a 60 day continuance. If the proposed trial date does not work for your office, please suggest alternative dates and we would be happy to consider them.

Please use track changes for any suggested revisions.

Regards,

Lena P. Andrews

Attorney

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On Mon, Apr 22, 2024 at 11:58 AM McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com> wrote:

Ms. Andrews:

As you know, counsel on this matter are also currently engaged in trial on the Nunis matter. We are discussing the continuance and will get back to you as soon as we can, given the May 10, 2024 fact discovery cut-off. It may be easier to assess if you could circulate a stipulation with proposed dates – that way we are able to see if such comports with our trial schedule in other matters.

Thank you,

Abigail

<image001.png>
Abigail J. R. McLaughlin (She/Her/Hers)
Partner
Abigail.McLaughlin@lewisbrisbois.com
T: 213.358.6001 F: 213.250.7900

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From: Lena Andrews <lena.andrews@bncllaw.com>
Sent: Monday, April 22, 2024 11:53 AM
To: Gregg Audet <gaudet@anaheim.net>; Bakken, Tori <Tori.Bakken@lewisbrisbois.com>; Fox (LA), Dana <Dana.Fox@lewisbrisbois.com>; McLaughlin, Abigail <Abigail.McLaughlin@lewisbrisbois.com>; Sain, Tony <Tony.Sain@lewisbrisbois.com>
Cc: Irvin Aguirre <irvin.aguirre@bncllaw.com>; Julia Quesada <julia.quesada@bncllaw.com>; DeWitt Lacy <dewitt@bncllaw.com>
Subject: [EXT] Re: Lopez et al v City of Anaheim et al - Request to Meet and Confer re Modification of the Scheduling Order

Counsel:

I am following up on my email from Thursday. Please advise as to your position on a stipulation to continue.

Regards,

Lena P. Andrews
Attorney

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On Apr 18, 2024, at 12:04 PM, Lena Andrews <lena.andrews@bnclaw.com> wrote:

Counsel:

I am writing to request that we meet and confer regarding a stipulation to modify the scheduling order in the *Lopez* matter.

As you well know, the Nunis trial is currently ongoing and will last until at least the beginning of May with jury deliberations. Currently, the fact discovery cutoff for Lopez is May 10, 2024. As you know, we previously had a mediation scheduled but due to obligations with her employer, Plaintiffs were not able to attend. Plaintiffs remain interested in engaging in additional settlement discussions and I believe it would be prudent to extend all deadlines in this matter to allow for additional time for those settlement discussions prior to the parties expending additional costs on the case in taking more depositions and hiring experts.

Furthermore, the current trial date in this case (September 17, 2024), ordered by the Court in response to Defendants' Motion to Continue, conflicts with a trial in another matter that was set prior to the Court's order in this matter. That trial is very likely to move forward, necessitating a continuance of this trial.

We would request a sixty day continuance of all deadlines to allow time for the parties to find a mutually convenient date for a mediation and to address the conflict with the trial date. Please advise if you are willing to stipulate to a continuance and I will prepare a stipulation.

Thank you in advance for your anticipated professional courtesies.

Regards,

Lena P. Andrews

Attorney

<~WRD0000.jpg>

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